May 14, 1996 VPCD-96-07 (LDV/LDT/SM/ICI)

SUBJECT: EPA Guidance Regarding OBD Running Changes Made to Prevent False MIL Illumination

Dear Manufacturer:

The implementation of full OBD II regulations brings some new situations surrounding EPA's running change procedures. The Agency is concerned in particular with running changes being made to prevent the potential for false or premature MIL illumination, and the implications for false MILs on vehicles already produced and in service. The California OBD II requirement, to which the vast majority of 1996 model year vehicles have been certified, provides that systematic erroneous MIL illumination may result in recall [ref. ARB Mailout #95-34, section (i)5]. If a running change is implemented to prevent false or premature MILs, the Agency believes the manufacturer has the responsibility in three areas: first, to provide EPA with assurance that the running change is necessary; second, to provide EPA with assurance that the vehicles already in use will not violate the above cited OBD II regulation; and third, that any action or inaction on the part of the manufacturer will not compromise the Agency's plan to rely heavily on OBD system checks as part of future I/M programs. The guidance below is intended to provide manufacturers with a method to communicate this assurance to EPA.

If a running change made to prevent erroneous MIL illumination involves deactivating and/or recalibrating a portion of the OBD system, thereby taking the system out of full compliance and into a "compliance with deficiency" status[1], the manufacturer should provide EPA with the following information:

1. Justification why the deactivation/recalibration will not constitute an unallowable deficiency.

2. Test data demonstrating that the MIL is falsely illuminated

[1]California OBD II regulations allow one deficiency beginning with the 1997 model year.

(that is, that the MIL illuminates prior to satisfying any of the MIL illumination criteria specified by the regulation).

3. The number of vehicles affected by the running change.

4. The number of vehicles produced prior to the running change, the number of vehicles which have already experienced the false MIL and the expected number of false MILs for those vehicles throughout their useful life.

5. A justification why the vehicles in the field will not experience "systematic erroneous MIL illumination"; or the manufacturer's plan to prevent the false MIL illumination in those vehicles, including a rationale for why that plan is appropriate. Manufacturers should also address the plan's expected effectiveness in relationship to a formal recall if the plan does not already include a formal recall. The plan should take into consideration the anticipated number of false MILs and when they are expected to occur. For example, a very high false MIL rate or a low mileage false MIL problem may warrant more aggressive fix campaigns.

The manufacturer may use other means to assure the Agency that the running change is appropriate and that in-use vehicles will not be likely to violate regulatory provisions. These means will be addressed on a case-by-case basis by the OBD implementation team - Todd Sherwood, Trina Vallion, Cliff Tyree, and Linda Hormes. You may also direct questions about this guidance to them.

Sincerely,

Jane Armstrong, Director
Vehicle Programs and Compliance Division

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